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of the parties objects to the decision of the *khoro*. It is the queen's prerogative to settle disputes between royal relatives, but she also privately settles differences which, for reasons of public policy or of the prestige of the parties, should not be publicly discussed, and sometimes, to avoid the hardening of transient differences into permanent hostility, even withdraws cases, especially witchcraft cases, from the jurisdiction of the *khoro*. The queen has an unshakable reputation for integrity, and acts independently, if she likes, though often she consults trusted advisers, some of whom at present are not her councillors.

The role of the queen is not unconnected with the institution of 'mothers' of districts. 'Mothers' are appointed by the queen or with her approval, and are usually her relatives, living at the capital and having direct access to her. Generally they report in the first instance to the councillors, especially to the son of the queen's mother's brother, who is the greatest councillor. The office of 'mothers', though hereditary, often changes hands because of its responsibilities and inadequate rewards, the opportunities of favourably placed persons and the requirement of residence at or near the capital. Often a widow, familiar with her husband's arrangements, takes over the position, enlisting the help of a relative, who at her death naturally steps into her shoes. Since the fees received cannot meet the needs of taxpayers, usually only old people are 'mothers', but inability to cope with long journeys forces them to entrust some of their work to available sons or relatives, who in turn may succeed to the position. 'Mothers' are often related to, but may be only fortuitously linked with, the heads of districts under their charge. A foreign chief or headman may be introduced at the capital by a friend or relative or stranger, who thereupon becomes his 'mother'. In 1912, when a [167] colony of settlers from Basutoland came, Mashaveli, who had no previous association with them, took the message of their arrival to the queen and henceforth acted as their 'mother'. Independent foreign chiefs also have their 'mothers', who sometimes live far from the capital.

'Mothers' have politico-legal and other functions. They receive their 'children', the district heads or foreign chiefs, and act as intermediaries whenever formal relations with the queen or great councillors are involved. When it is impracticable for a district head to bring beer to the queen, he may send mealies, which are deposited at the 'mother's' and there converted into the tributary beer. The arrival of beer from a district is always reported to the 'mother', who receives one calabash. 'Mothers' are the messengers or ambassadors of the queen sent to settle disputes among their 'children' or to represent her, for instance, at the formal installation of a district head. Important links in politics, they are the master links in the legal system. Some 'mothers' supervise the legal interrelations of many districts with the capital. As some districts are far off, eight to ten miles, they may delegate the work, in respect of some districts or of some of its aspects, to others, such as sons, wives, sister's sons, or wife's brothers. Thus Khidima, 'mother' of Mavulana, Maraga, Madumani, Gabiani, Musugududzi, and a European-owned farm, sometimes puts cases coming from the first three districts in the hands of his sister's son, but, since Khidima's own son has reached years

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693 of discretion—he is now forty years of age—it is to him that the court work has been entrusted. Quite recently (1938) Khidima, too old to walk far, deputed his son to settle a serious dispute at Dithejeni, a sub-district of Mavulana; but the conflict which involved the interests of Mavulana, the maternal uncle of the queen, and Khashani, direct descendant in the senior royal line, 'overcame' the son as it subsequently 'overcame' even the queen's *khoro*. It is thus apparent that 'mothers' have responsible duties and must be men of tact and experience.

'Mothers' often act as arbitrators in district courts. In some districts they regularly preside when important cases are decided, in others they hardly ever appear: recently established districts whose heads are foreigners need some supervision and linking up with the capital, while in old districts much depends upon the pride or prestige or ability of the district head. 'Mothers' are sent to investigate or try cases which are reported directly to the capital without reference to the district head (an irregular procedure which he resents) or which have 'overcome' him either in a *khoro* trial or in his attempt to effect a private reconciliation (*hu khumetwa*). The district head may accompany a deserting wife to beg pardon of her husband, but if the overture fails, she may present her case to her 'mother' or to the queen who usually arranges for a 'mother' or messenger to arbitrate, often quite informally, between husband and wife. Messengers become versed in handling compromises from an early age, at first as envoys (*maharula*) merely registering consents, later as true arbitrators. They accompany the district head to the home of the disputant or sit in the *khoro* of the district, reporting the result to the 'mother', who in turn reports to the queen or councillors. Or if 'overcome', they summon the parties to the *khoro* of the capital. The procedure economizes effort and promotes amicable settlements; it induces a uniform outlook towards disputes, but not uniformity of substantive law, throughout the country. Thus Shangana-Tonga law, where it differs from Lovedu law, remains intact; the 'mother' or messenger or the *khoro* itself is concerned, not with differences of law, but with reaching agreements acceptable to the parties.

As an officer of the *khoro* at the capital, the 'mother' presents cases, summons defendants to appear, is usually present in court and may, if called upon or on his own initiative, explain the antecedents of the case. But these activities are so unostentatious, so alien to our conceptions, that it is very rare that you will notice a 'mother' in the *khoro*. To avoid being suspected of favouring his 'children', he remains discreetly in the background, his presentation of the case is unnecessary as he has already privately reported to the councillors, and the arrangements of the *khoro* are so flexible and its spirit so homely that formally introducing cases or calling witnesses to come nearer is quite out of place. In the midst of a defendant's oration or the 'chewing' of the case by the *khoro*, you may see a 'mother' intervene to say that the defendant has neglected to pay him the goat that is the 'fee of the feet' (messenger's fee) and the case is abruptly stopped, 'hung up' in the *khoro*, until the fee is paid. Lovedu judicial processes are so unlike ours that it is wholly misleading to picture the 'mother' as an officer of the court arranging the roll, marshalling witnesses

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introducing cases like a prosecutor, or advising parties as to the case to be met or the witnesses to be called.

The two great councillors are in a pivotal position, since 'mothers' report to them. But in the first place they are not the officials who in other tribes head the panel of assessors or 'remembrancers'. It is not necessary, though it is usual, for one of them to be present or to preside at the regular sessions which are nowadays held for convenience on Sunday morning. On week days, if the other men at the capital feel unequal to the task, the absence of the great councillors sometimes holds up a case; but many cases are tried without them. Their position enables them to do the bulk of the work, but they have no specialized functions. All cases are not reported to or through them, as many 'mothers' have direct access to the queen. Checks and balances of the system even counteract that strengthening of their powers which results from the practice of European officials to deal exclusively with them. Secondly, there are no specially appointed assessors or advisers or 'remembrancers'. Compromises within a broad pattern, not details of law and precedents, are important. The oldest men at the capital are rarely consulted, in our experience only twice in many hundreds of cases; they are the victims of the conflict within the complex of royal institutions. The queen's *khɔrɔ* consists of men, generally speaking, drawn from the capital and neighbouring villages. But any one may attend; there is no special privilege and no special appointment. Some are more welcome, some have a higher reputation for integrity or sagacity, than others, some are friends, some enemies of the councillors. The *khɔrɔ* is a fortuitous rather than a fixed body of men.

A glance at some of the personalities of the queen's *khɔrɔ*, as it was in 1937, will make our general observations more concrete. Muneri, the queen's physiological mother's brother and called 'mother's brother', more often presided than his fellow councillor, Murwatsɛta, the queen's uterine brother's eldest but not chief son. They were both middle-aged men, lived at the capital and were rivals. R., a man in his prime, usually attended, though some years before he had been expelled as a murderer and witch from the district of the capital in which he still lives; he also befriended S., the would-be traitor, and was so much hated that he was once assaulted in the *khɔrɔ* by a son of the queen's brother. R. often sat in the centre of the *khɔrɔ*, eloquently using his commanding voice to reprimand, cajole, moralize, and even skilfully to guide contestants towards a compromise. Maduludi, in 1937 only about fifty-five years old, but now dead, came from the valley to enjoy the *khɔrɔ* discussions. An excitable extrovert, he used to rise from his seat in order to enforce an *ad hoc* argument or to shake his fist in the face of a recalcitrant defendant, and often he prematurely rushed to conclusions, imposing a fine even before the evidence was led, but he was tolerated and gently restrained by the others. B. frequently almost slunk into the *khɔrɔ*: emaciated and consumptive, nervous and suspicious, hated and feared by the councillors, suspected of having murdered a royal relative with his witchcraft, he was wholly inaccessible to us, yet in the *khɔrɔ* his hoarse, screeching voice, as he now and then interjected a high-pitched but incisive remark, carried

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693 great weight. There was also muddled-headed old Mabungwani, who, as judgement creditor, regularly for two years came from a far-off district fruitlessly to complain that Maake, the debtor, had not yet paid him, but was still 'looking for' the fine; he took a prominent part, muddling the issues, but humouring the men; and it was a real joy to listen to him These were but some of the striking personalities of the fifty men or more who habitually came to the *khɔrɔ*. They attended, some for one reason, some for another, as we would attend a function which is partly an entertainment and partly a responsibility. The *khɔrɔ* is not wholly a casual assembly, since men living in the neighbourhood are expected to give their assistance at the sessions every Sunday morning.

Not the men of the *khɔrɔ*, but only 'mothers' and messengers, are specially rewarded. A plaintiff, resident, say, in the district of Madumani, taking his case to the capital, should go accompanied by a messenger from Madumani to report his complaint to his 'mother', Khidima, to whom he gives three goats or their equivalent, usually £1 and a goat. By this formal complaint (*hu ɖalia*) he becomes the plaintiff (*muɖalii*): the £1 is *hu ɖalia*, serves to 'open' the *khɔrɔ*, and is handed by the 'mother' to the queen; the goat or 10s. is to 'break down the *khɔrɔ*' and will be retained by Khidima if the defendant lives in one of his districts, for then Khidima must summon him; but if he resides in, say, Matsui, Khidima must give the goat to Muneri, 'mother' of Matsui, who is responsible for calling his own 'children'. The 'mother' himself, as was usual in the old days, or a messenger of the 'mother', as is common to-day, receives from the defendant he summons a goat called *budi ya bija* (goat of the pot) or *leudu la mudzeɖa* (fee of the feet). In cases of 'blood', of witchcraft, and of offences against the tribal authorities, when they come before the *khɔrɔ*, the procedure is different and these fees are not paid.

All the young men in the district of the capital are *maharula*, envoys of *khɔrɔ* or queen. The usual work of a *leharula* is to call district heads to tribal gatherings (*khiviji*), though much of this is now done by herdboys, who every fortnight drive the cattle to the dipping tanks. The *maharula* also represent the queen at *morula* cider drinks, given to the queen by districts other than the capital, for, except on special and very rare religious occasions (say once in every few years), she does not move beyond her own district. But for our present purpose we shall consider the *maharula* as a kind of police force, though without its powers. Police, prisons, process for executing judgements are alien to the culture, but situations akin to contempt occasionally arise in the *khɔrɔ*, and, if it is a young man or woman who despises the authority of the old men, a *leharula* may be detailed to supervise the execution of a patently absurd piece of work by the offender. The object is to humiliate, the onlookers are amused, no force is used, and usually the prisoner submits before he has started the work. *Maharula* do not specially attend the *khɔrɔ* for this purpose; the *khɔrɔ* usually ignores indignities; and submission, even if merely assumed, is accepted as sufficient.

693 681 Another duty of *maharula* is to collect fines, imposed by custom, not by trial, upon a whole district that has offended. When, for instance, in 1937 none of the young boys and girls of the district of the capital

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693 responded to the order to weed the queen's field, *maharula* went to collect a fowl from each 'rebel'. They collected seven fowls, because most of the delinquents could offer excuses which showed, to the satisfaction of the *maharula*, that they had repented. In 1938 Mahubusana complained that the residents of his district despised him. They had successively ignored his order to make *morula* cider first for himself and then for the queen and also to bring the 'money for the petrol of the queen's car'. *Maharula*, the councillors said, would be sent to exact one goat from every household. Nothing happened. Later Mahubusana brought the five main culprits to the capital and there they were told to pay 5*s*. each to their district head and to leave the district after having gathered in their harvest. 'You have despised the district head and the queen,' it was said. 'Go, then, and live where there is no chief, for here you worry the queen.' There was no trial; and a year after the 1938 harvest the rebels were still living in the district. *Maharula* are also sent to exact the fine due in those 'blood' cases that are reported to the queen. Despite apparent exceptions, *maharula* are not and never were deputed to execute upon a decision of the *khɔrɔ*, for the *khɔrɔ* is concerned with private delicts, wrongs between individuals who, in the last resort, are left to arrange restitution among themselves.

692 At the village of each district head there is also a *khɔrɔ*, the arrangements of which resemble those at the capital; but, of course, there are many variations. Its competence is in practice determined by the presumptions of the district head; and the law it applies is not necessarily the law of the capital. Some district heads, having sub-districts under them, attach 'mothers' and *maharula* to the *khɔrɔ*, but usually these are only messengers for calling defendants. 695 *Khɔrɔ* trials are usually held in the district of the defendant, and the messenger or 'mother' is entitled to the 'fee of the feet', but not all district heads charge for 'opening' the *khɔrɔ*. The district head may have a special *duna*, often his elder brother, who is entrusted with legal matters and 'presides' in his absence; women who are heads do not appear in the *khɔrɔ*, but confirm decisions. Sometimes the district *khɔrɔ* is better organized and controlled than that at the capital, there may be regular judges and assessors, the word is 'passed' (*hu suma*) from the junior to the senior members, contempt is strictly dealt with, and so on. But this is unusual, the organization being much more haphazard and the procedure much less regularized. Mostly the district head intervenes at the request of one party to see whether he can effect a reconciliation: he sets out with the plaintiff to the village of the defendant rather than summons the defendant to his *khɔrɔ*, or he goes as an intermediary (*mukhumedi*) of the one party to persuade the other to accept the settlement offered. Full-dress *khɔrɔ* trials are often like heated family consultations. *Khɔrɔ* cases in which the fine of restitution is a head of cattle must theoretically be reported to the capital, not for confirmation, but for directions as to the disposal of the fine; but in practice this rule is often not observed. 'Blood' cases not reported to the capital are dealt with by the district head, whose function is something between that of an intercessor and a judge. In theory 'blood' cases are not tried, and in practice district heads do inquire into and often finally settle such cases.